

REMARKS/ARGUMENTS

A. General:

1. Claims 2, 8-13, 18, 24 and 30-31 have been amended. Claims 2 and 24 have been amended to incorporate the language from claim 1 and the original language of claim 18, respectively. Claims 8 and 13 have been amended to include the language from claim 1 and, therefore, per the Examiner are now allowable together with claim 9 and claims 10-12 and 14-17 which depend therefrom, respectively. Claim 18 has been amended to include the original language of claim 13 and to delete mention of a star MIP and claim 30 has been amended to include the original language of claim 18. As noted below the dependencies of claims 9 and 31 have been changed to obviate the 112 rejection and to add the word --atoms-- and the dependencies of the remaining amended claims have been changed to reflect the other amendments.

2. Claim 1 has been canceled.
3. Claims 2-31 remain under examination.

B. 112 Rejection:

Claims 9 and 18-31 have been rejected under 35 USC 112, second paragraph, as being indefinite. More specifically, the Examiner states that in claims 9 and 31 a dithiocarboxylic ester does not have antecedent basis in either of claims 1 or 24 and, in claim 18, it is not clear if a "star" molecularly imprinted polymer has any structural meaning or can simply be read as a MIP.

Applicants have amended claims 9 and 31 to depend respectively from claims 8 and 30 thereby obviating the 112 rejection as to them. With regard to claim 18's reference to a star MIP, Applicants have deleted "star" thereby obviating this rejection.

C. 102 Rejection:

Claims 1, 11, 16-18 and 20-22 have been rejected under 35 USC 102(b) as being anticipated by Rittenburg (US 5,492,444).

Claim 1 has been canceled thereby obviating this rejection as to it. Claim 11, and claims 16 and 17 which depend from 11, now depends from claim 13 thereby obviating this rejection as to them and, as noted above, rendering them allowable. Claim 18 has been amended to include the language from claim 13 thereby obviating this rejection as to it and as to claims 20-22 which depend therefrom.

D. 103 Rejections:

1. Claims 2-7 and 24-29 have been rejected under 35 USC 103(a) as being unpatentable over Rittenburg as applied to claims 1 and 18 above, and further in view of Soini (US 4,374,120).

Claims 2 and 24 have been amended to incorporate the language from claim 1 and the original language from claim 18, respectively. Applicants respectfully submit that the generalized discussion of MIPs disclosed in Rittenburg and the disclosure of the fluorescence properties of certain lanthanide chelates in Soini cannot be combined to render obvious the specific method/process recited in claims 2 and 24 or, therefore, claims 3 and 25 which depend therefrom, respectively. Furthermore, Applicants submit that the cited references do not disclose the specific structure recited in claims 4-7 and 26-29 and, therefore, cannot, in combination, render obvious those claims either.

2. Claims 10 and 19 are rejected under 35 USC 103(a) as being unpatentable over Rittenburg as applied to claims 1 and 18 above, and further in view of Lostumo (US 4,923,908).

Claim 10 now depends from claim 13 which has been amended to be independent by incorporating the language from claim 1 therein and claim 19 depends from claim 18 which has been amended to include the original language from claim 13. Therefore, per the Examiner, both claims 13 and 18 should be allowable thereby obviating this rejection as to dependent claims 10 and 19.

3. Claims 12 and 23 are rejected under 35 USC 103(a) as being unpatentable over Rittenburg as applied to claims 1 and 18 above, and further in view of Weiss (US 5,990,479).

For the reasons discussed above in Applicants' response to the Examiner's rejection of claims 10 and 19, claims 12 and 23 which depend, respectively, from claims 13 and 18 are not

rendered obvious by the combination of Rittenburg and Weiss and, in fact, per the Examiner should now be allowable.

E. Conclusion:

Applicant respectfully requests that a timely Notice of Allowance be issued in this case for claims 2-31.

THE JOHNS HOPKINS UNIVERSITY
Applied Physics Laboratory

By Francis A. Cooch
Francis A. Cooch
Attorney for Applicant
Registration No. 31,495
Tel.: (240) 228-5640

FAC/ems
240-228-5639